

Mr. Chairman. Thank you for the privilege of addressing this SB310 committee. Mr. Chairman and members of the committee I am Linda Frey, 100 Hillview Way, Missoula, Mt. I speak for both myself and my twin, Marsha Frey. I led the fight against an SID on Hillview Way. Fighting an SID is like a second marriage, the triumph of hope over experience. In that process I discovered that the city was forcing developers to waive their rights of protest. They sign with a knife at their throat because their permits will not be approved without it. Moreover, that waiver runs with the land in perpetuity. Those who subsequently buy the land find that their rights have been signed away.

This procedure should be illegal because it strips future buyers of their constitutional right to protest tax increases. As John Marshall said "The power to tax is the power to destroy." Citizens lose their right to file a protest in cases that directly affect them. Let me give you a concrete example. In our case 10 individuals were allocated a total of a million dollars of that SID, Only three of those ten could protest and the 3 did. What of those who could not protest? Should they not have a right to protest a 3.3 million SID? . Should they not have a right to protest the construction of a \$200,000 lighted tunnel for the deer to cross? Should these property owners have had the right to protest an SID after another of \$4.4. million was imposed only two years earlier? The taxes in our area have doubled in ten years. Should not all citizens have a right to protest further increases? We should not countenance measures that encourage governments to take away



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individuals' rights.

Yes, waivers makes a city's job easier, they do not have to worry about at least some of those pesky citizens. But should we allow them to bypass the citizens and impose what the majority does not want?

These waivers should be illegal because they flout legislative intent as seen in the Montana Annotated Code. That code provides that 50 percent of the total landowners can stop an SID. But this waiver makes it numerically impossible for that to happen. It stacks the deck against the citizens. Silence, however imposed, is consent. Those who cannot protest are counted as for it. As these waivers spread, it makes a mockery of the provision that a certain percent of the citizens can stop an SID. Do we really want to divide the citizens into those who can and those who cannot protest? Where should power rest? In the citizens or in the bureaucracy?

Is the waiver necessary? Tom Crowley the former city engineer of the city of Missoula supports this legislation and argues that these waivers are unnecessary. It certainly makes the passage of SIDS easier for city personnel but that should not guide your decision.

It is a slippery slope to argue that this measure serves the great good, If you trample on one, you are trampling on all. So I ask you to follow Mark Twain: "always do right, this will gratify some people and astonish the rest".